

# WHISTLEBLOWING POLICY

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## VERSION CONTROL

Version	Details	Author	Date
1.0	Adopted from School Bus Model Policy	Esther Newman	January 2025

## Legal framework

This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- Public Interest Disclosure Act 1998
- Employment Rights Act 1996
- ESFA (2023) ‘Academy trust handbook 2023’
- DfE (2023) ‘Keeping children safe in education 2024’
- GOV.UK (2012) ‘Whistleblowing for employees’
- Sir Robert Francis (2015) ‘Freedom to speak up report’

This policy operates in conjunction with the following school policies:

- Disciplinary Policy and Procedure
- Records Management Policy
- Complaints Procedures Policy
- Data Protection Policy
- Resolution Policy

## The Public Interest Disclosure Act

The Public Interest Disclosure Act 1998 (PIDA) protects employees who “blow the whistle” where the employee reasonably believes that the disclosure falls within the remit of the prescribed person or body, and that the information and any allegations are substantially true. Disclosures made under this procedure will be monitored for statistical purposes as required under the PIDA. The details of any disclosure will remain confidential.

In schools the headteacher is the first point of contact for whistleblowing queries, in the Trust this will be the CEO. If the allegation is related to the headteacher or in relation to the Trust, the CEO, the concern will be raised with the CEO or Chair of Trustees.

Any member of the trust/school community or the general public is able to “blow the whistle”; however, the PIDA only protects employees. The ‘Non-employees’ section of this policy includes further details on how whistleblowing affects non-employees.

## Definitions

“**Whistleblowing**” is when an employee reports suspected wrongdoing, or ‘qualifying disclosures’, at work to their employer.

As outlined by the PIDA, “**qualifying disclosures**” pertain to when any of the following takes place:

- A criminal offence has been committed, is likely to be committed or is being committed
- A person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject
- A miscarriage of justice has occurred, is occurring or is likely to occur
- The health or safety of any individual has been, is being or is likely to be endangered
- The environment has been, is being or is likely to be damaged

- Information tending to show any matter falling within any of the preceding points has been, is being or is likely to be deliberately concealed

**“In the public interest”** means that an individual acted outside of their own personal interest – they acted for more than personal gain. It is not necessary for the disclosure to be of interest to the entire public. The following considerations are often used as a test to establish whether something is within the scope of public interest:

- The number of people in the group whose interests the disclosure served
- The nature of the interests and the extent by which individuals are affected by the wrongdoing disclosed
- The nature of the wrongdoing disclosed
- The identity of the alleged wrongdoer

**“Blacklisting”** refers to an individual who is being refused work because they are viewed as a whistleblower.

**“Grievances”** involve someone filing a complaint because they personally have been mistreated in some way – the person making the complaint will have a direct interest in the outcome. It is important to understand the difference between raising a grievance and blowing the whistle.

## Roles and responsibilities

The Trust board will be responsible for:

- Establishing and agreeing the whistleblowing procedure.
- Ensuring the agreed whistleblowing procedure is published on the trust’s website.
- Monitoring the effectiveness of this policy and undertaking any necessary reviews, e.g. in relation to good practice recommendations or changes in legislation.
- Ensuring all members of the school community have access to this policy.
- Investigating, in liaison with the headteacher/CEO, any concerns that are raised.
- Ensuring this policy provides an open and transparent framework where employees of the school can raise their concerns.
- Taking the necessary action against members of staff following an investigation into any alleged malpractice.
- Ensuring that the minutes of the governing board include a record of the school’s whistleblowing arrangements and who, both internally and externally, staff members should report concerns to.
- Appointing one governor and one member of staff to act as points of contact for staff members when reporting concerns.
- Ensuring that all concerns raised by whistleblowers are responded to properly and fairly.
- Ensuring that whistleblowing forms part of the anti harassment policy as part of a wider approach to having in place appropriate safeguarding policies and procedures.

The headteacher (CEO for Trust central staff) will be responsible for:

- Ensuring all members of staff have read and understood this policy.

- Receiving, investigating and responding to any concerns that have been raised by school staff.
- Being the first point of contact regarding whistleblowing.

The Chair of Trustees will be responsible for receiving any concerns raised about the CEO.

**All members of staff** will be responsible for:

- Raising any concerns that meet the definitions in the 'Definitions' section of this policy.
- Being truthful and reasonable with any concerns that they have.
- Not raising malicious or unfounded concerns.

## Harassment and victimisation of staff

The trust recognises that the decision to report a concern can be a difficult one to take, not least because of the fear of reprisal from those responsible for the malpractice or from the school as a whole; however, the school will not tolerate any such harassment or victimisation and will take appropriate action to protect staff who raise a concern in good faith.

Staff are protected in law by the PIDA, which gives employees protection from detriment and dismissal where they have made a protected disclosure, providing the legal requirements of the Act are satisfied, e.g. the disclosure was in the public interest.

Any member of staff who victimises or harasses a member of staff as a result of their having raised a concern in accordance with this policy will be dealt with under the school's Disciplinary Policy and Procedure.

## Non-employees

The PIDA and the Employment Rights Act 1996 do not protect non-employees as far as whistleblowing is concerned. Irrespective of this, the school will not allow harassment, dismissal or exclusion for any non-employee who raises a genuine concern.

Where an individual feels that they have been unfairly treated following blowing the whistle, they should make a complaint under the school's Complaints Procedures Policy.

Governors/Trustees are not employees and, while they are responsible for ensuring there is a whistleblowing procedure in place, they are not protected under the PIDA.

## Good practice principles

The school will implement the core whistleblowing principles, as outlined in the 'Freedom to speak up report', to ensure that whistleblowing procedures are fair, clear and consistent.

The school will implement a **culture of change** by ensuring the following principles are reflected in our ethos and values – there will be a culture:

- Of safety in the school.
- Where people feel confident with raising concerns.
- Free from bullying.
- Of visible leadership.
- Of valuing staff.
- Of reflective practice.

By providing a clear procedure for mediating and resolving cases, as outlined in the 'Procedure' section of this policy, the school will ensure that all cases are efficiently handled. This procedure includes:

- How to raise and report concerns.
- How investigations will be conducted.
- How the school will mediate and resolve disputes.

The school will implement **measures to support good practice** by ensuring adherence to the following principles:

- Offering relevant training to staff
- Providing the necessary support to staff
- Providing support to staff who are seeking alternative employment
- Being transparent
- Being accountable
- Conducting an external review of any concerns raised, where necessary
- Undertaking regulatory action as required
- Informing staff what protection is available to them if they report someone
- Ensuring that alternative whistleblowing channels are in place for members of staff who feel unable to raise an issue with their employer

The trust will ensure there are **particular support measures in place for vulnerable groups** by adhering to the following principles:

- Ensuring non-permanent staff are taught, and receive training on, the same principles as permanent staff
- Ensuring trainees are subject to all the safeguarding and whistleblowing principles
- Ensuring staff from ethnic minorities are supported, as they may feel particularly vulnerable when raising concerns
- Ensuring staff are empowered and protected, enabling them to raise concerns freely

## Procedure

When raising concerns, individuals will express them in writing and this should be sent to either the Headteacher or CEO or can be completed using the attached form:

### Whistleblowing Form

If an individual is raising a concern about the headteacher, or if they are a member of the central team, they should express their concerns to the CEO. Where this is the case, the CEO will take on the headteacher's duties outlined in the 'Interview and investigation' section of this policy.

When individuals raise their concern, they will include the following information as far as possible:

- The background and history of the concern
- Any relevant names, dates and places
- The reasons for the concern

The school encourages individuals to let their identity be known when they raise concerns, as anonymous concerns can be challenging to investigate.

Individuals who would like to seek professional and confidential advice should contact Protect, a registered charity that advises on whistleblowing queries. The Protect website can be accessed [here](http://www.protect-advice.org.uk) (www.protect-advice.org.uk), or they can be contacted on 020 31172520.

Once an individual has raised a concern, the school will be responsible for investigating it.

In certain instances, it may be appropriate for the individual to raise the concern with an outside agency, e.g. the police, depending on the severity of the concern. Equally, it may be appropriate for the individual to request that their trade union raises the matter.

If a member of staff feels they should report a concern to the ESFA, they should use the [online contact form](#).

Appropriate whistleblowing procedures will be put in place for concerns about poor or unsafe practice and potential failures in the school's safeguarding system to be raised with the SLT.

If a member of staff feels like they are unable to raise a safeguarding-related concern with the school, or feels that their genuine concerns are not being addressed, they are able to contact the NSPCC Whistleblowing Helpline on 0800 028 0285 or the LADO.

The school, or the appropriate external agency, will acknowledge receipt of a disclosure but, unless additional information is required, will not contact or engage in dialogue with the whistleblower, as this may undermine the legitimacy of the investigation outcome.

## Interview and investigation

The headteacher/ceo will write to the individual within **10 working days** of the initial meeting to confirm that the concern has been received, as well as to indicate proposals for dealing with the matter.

The initial stage will be an interview with the whistleblower, and then an assessment of further action will be discussed. During this initial stage, the headteacher/ceo will establish if:

- There are grounds for a concern and that it is genuine.
- The concern was raised in accordance with this policy.

During the initial interview, the headteacher/ceo will request the individual puts their concern in writing, if they have not already done so. The headteacher will write a summary of the concern if the individual is unable to put it in writing.

The headteacher/ceo will explain the following to anybody raising a concern:

- How they will communicate with the complainant throughout the process. It should be noted, the need for confidentiality may prevent the school giving the complainant specific details of any necessary investigation or any necessary disciplinary action taken as a result of the concern.
- That the complainant's identity will be kept confidential from the alleged wrongdoer.
- That the trust board will do everything in its power to protect the complainant from discrimination.
- That if the concern is genuine, even if the concern is not confirmed, no disciplinary action will be taken against the complainant.

If clear evidence is uncovered that the complainant's concern is malicious or unfounded, disciplinary action may be brought against them.

If an investigation is carried out, the whistleblower will be informed of the final outcome.

A record will be kept of the seriousness of the issues raised and the credibility of the concern. All records will be kept confidential and will be stored in line with the school's Records Management Policy.

It may be possible for the concern to be resolved by simply agreeing the necessary action or explaining procedures to the alleged wrongdoer; however, depending on the severity and nature of the concern, it may:

- Be investigated by management, an internal audit or through the disciplinary process.
- Be referred to the police or an external auditor.
- Form the subject of an independent inquiry.

If the investigating officer needs to talk to the whistleblower, they are permitted to be accompanied by a trade union representative, a professional association representative, a friend or a fellow member of staff not involved in the area of work that the concern relates to. This person will provide support only and will not be allowed to become involved in the proceedings.

A record will be made of the nature and outcome of the concern. The purpose of this is to ensure that a central record is kept which can be cross-referenced with other complaints to monitor any patterns of concern across the school and to assist in monitoring the procedure.

The whistleblower will be informed of the results of the investigation, and any action that is proposed will be subject to third party rights. Where action is not taken, the individual will be given an explanation.

## **What the school asks of whistleblowers**

The purpose of this policy is to enable individuals to raise concerns in confidence, without any fear of reprisal. It is important that whistleblowers:

- Do not talk about the concern outside the school unless it is to report the concern through the proper external channels, e.g. the LA.
- Declare any personal interest in the matter, as the policy is designed to be used in the interest of the public and not for individual matters.

## **Appeal process**

If no action is to be taken and/or the individual is not satisfied with the way the matter has been handled, they can make a complaint under the school's Complaints Procedure Policy.

## **Unfair treatment**

An individual can take a case to an employment tribunal if they feel that they have been treated unfairly as a result of whistleblowing. Further information can be sought from the Citizen's Advice Bureau, the whistleblowing charity Protect, or from an individual's trade union.

Any claims of unfair dismissal needs be made within three months of the investigation ending.

## Monitoring and review

The trust board will review this policy **annually**, ensuring that all procedures are up-to-date.

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<sup>i</sup> *The responsible officer must keep the policy or procedure current between formal reviews. Minor or technical changes to a policy or procedure that do not affect its substance may be made by the responsible officer without requiring approval from the approving body. Examples include updating staff names, contact details, or making technical adjustments required by legislation or guidance that do not alter how the policy or procedure works. If a proposed change is substantial and does not qualify as a minor or technical drafting amendment, the revised policy or procedure must be submitted to the next available meeting of the approving body for consideration and approval.*